

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

August 21, 2000

IN RE:

**NOTICE OF ADOPTION OF MCIMETRO/BELLSOUTH
INTERCONNECTION AGREEMENT (EXCEPT
ATTACHMENT VIII) AND REQUEST FOR
APPROVAL OF BROOKS/BELLSOUTH AGREEMENT.**

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**DOCKET NO.
99-00583**

ORDER APPROVING INTERCONNECTION AGREEMENT

This matter came before the Tennessee Regulatory Authority (the "Authority") pursuant to 47 U.S.C. §§ 251-252 upon the filing by Brooks Fiber Communications of Tennessee, Inc. ("Brooks Fiber") and BellSouth Telecommunications, Inc. ("BellSouth") on August 11, 1999 of a request for approval of their Interconnection Agreement. Specifically, Brooks Fiber and BellSouth filed a Notice Adopting the Terms and Conditions and Attachments (with the exception of Attachment VIII) of the MCImetro Access Transmission Services, Inc. ("MCImetro") Interconnection Agreement with BellSouth. The MCImetro and BellSouth Interconnection Agreement was approved by the Authority on May 6, 1997.

By this filing, Brooks Fiber provided notice to the Authority of its adoption of the MCImetro Agreement pursuant to Section 252(i) of the Telecommunications Act of 1996 ("the Act").¹ Further, Brooks Fiber and BellSouth requested that the Authority approve, pursuant to Section 252(e) of the Act, the Terms and Conditions set forth in the Brooks Fiber/BellSouth

¹ Section 252 (i) provides: "A local exchange carrier shall make available any interconnection, service, or network element provided under an agreement approved under this section to which it is a party to any other requesting telecommunications carrier upon the same terms and conditions as those provided in the agreement." 47 U.S.C. § 252 (i).

Interconnection Agreement Negotiated in Lieu of Attachment VIII to the May 6, 1997 MCImetro/BellSouth Agreement.

The Interconnection Agreement was considered at a regularly scheduled Authority Conference held on December 7, 1999, in Nashville, Tennessee before Chairman Melvin J. Malone, Director H. Lynn Greer, Jr., and Director Sara Kyle. Based upon the record in this matter and the standards for review set forth in 47 U.S.C. §§ 251-252, the Directors unanimously approved the Agreement and made the following findings and conclusions:

- 1) The Agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within the BellSouth Telecommunications, Inc. service area;
- 2) The jointly developed detailed service restoration and disaster recovery plan sufficiently addresses the restoration of service to the customers of both parties and is in the public interest;
- 3) The Agreement is not discriminatory to telecommunications service providers that are not parties thereto;
- 4) No party has sought intervention in this docket;
- 5) The approval of the Agreement is consistent with previous Authority decisions and orders; and
- 6) The Agreement is reviewable by the Authority pursuant to 47 U.S.C. §§ 251-252 and Tenn. Code Ann. § 65-4-104 *et seq.*

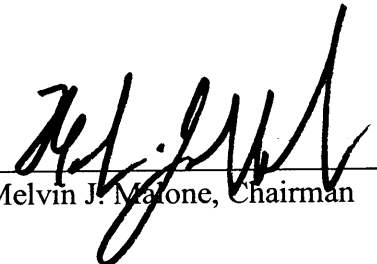
IT IS THEREFORE ORDERED THAT:

1. The MCImetro/BellSouth Interconnection Agreement (except Attachment VIII) and the Terms and Conditions set forth in the Brooks Fiber/BellSouth Agreement in lieu of

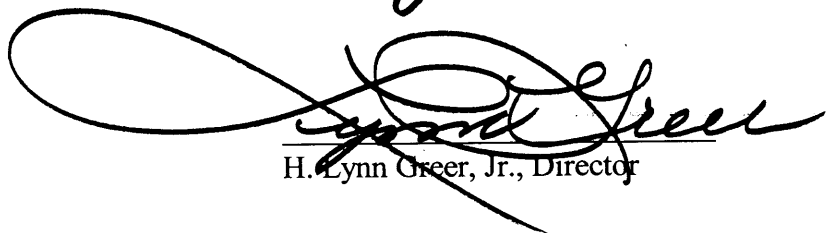
Attachment VIII of the MCImetro Agreement negotiated by and between BellSouth Telecommunications, Inc. and Brooks Fiber Communication of Tennessee, Inc. is approved as the interconnection agreement between BellSouth Telecommunications, Inc. and Brooks Fiber Communications of Tennessee, Inc. and is subject to the review of the Authority as provided herein;

2. The disaster recovery plan shall be incorporated into and be a part of the Interconnection Agreement; and

3. On a going-forward basis all parties filing such agreements shall include jointly-developed and detailed service restoration plans and disaster recovery plans as part of their interconnection agreements.



Melvin J. Malone, Chairman



H. Lynn Greer, Jr., Director



Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary